

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MOSES STRAUSS, et al.,	:	
	:	
Plaintiffs,	:	
	:	Case No. 06-CV-702 (DLI) (RML)
- against -	:	
	:	
CRÉDIT LYONNAIS, S.A.,	:	
	:	
Defendant.	:	
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BERNICE WOLF, et al.,	:	
	:	
Plaintiffs,	:	
	:	Case No. 07-CV-914 (DLI) (RML)
- against -	:	
	:	
CRÉDIT LYONNAIS, S.A.,	:	
	:	
Defendant.	:	
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NOTICE OF CROSS-APPEAL

Notice is hereby given that Crédit Lyonnais, S.A. (“CL”), defendant in the above-captioned actions, hereby cross-appeals to the United States Court of Appeals for the Second Circuit from such portions of the District Court’s order, dated March 31, 2016, ECF No. 403 (the “Order”),¹ which was made final on the date judgment was entered on March 31, 2019, ECF No. 481, that denied CL’s motion to dismiss or for summary judgment based on lack of personal jurisdiction.

CL cross-appeals from the Order because it is unclear whether the Court of Appeals’ holding in *Swatch Grp. Mgmt. Servs. Ltd. v. Bloomberg L.P.*, 756 F.3d 73, 92-93 (2d Cir. 2014), that a party in whose favor judgment was entered lacks standing to file a cross-appeal to

¹ Unless otherwise noted, all citations are to the docket *Strauss et al., v. Crédit Lyonnais S.A.*, No. 06 Civ. 0702 (DLI) (RML).

challenge an adverse interlocutory order (but may challenge such interlocutory orders as alternative grounds for affirmance) also applies to an interlocutory order addressing the non-merits defense of personal jurisdiction. *See, e.g., New Hampshire Ins. Co. v. Sphere Drake Ins. Ltd.*, 51 F. App'x 342, 344 (2d Cir. 2002) (holding defendants who won below “waived any objections based on personal jurisdiction” including by “failing to appeal the district court’s ruling on the issue”); *Koupetoris v. Konkar Intrepid Corp.*, 535 F.2d 1392, 1394 (2d Cir. 1976) (considering cross-appeal of district court order finding personal jurisdiction over defendant, notwithstanding that defendant was granted judgment on other grounds); *Hanly v. Powell Goldstein, L.L.P.*, 290 F. App'x 435, 437 (2d Cir. 2008) (same). Accordingly, CL files this cross-appeal solely to preserve its right to appeal from the Order with respect to personal jurisdiction.

Dated: New York, New York
April 26, 2019

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